



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 14, 2005

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House Representatives
Washington, D.C. 20515

Dear Congressman Conyers:

This responds to your letter, dated May 12, 2005, seeking the appointment of a special counsel to investigate whether high-ranking officials violated federal statutes in connection with the treatment of detainees at sites in Iraq, Afghanistan, Guantanamo Bay, and elsewhere. We are sending identical responses to the other Members who joined in your letter and apologize for our delay in responding to you.

The Department of Justice has been responsive to referrals of alleged criminal misconduct involving detainees. As evidenced by the indictment of David Passaro, a CIA contractor alleged to have mistreated a detainee in Afghanistan, the Department of Justice has vigorously pursued allegations of criminal abuse of detainees that have been referred to the Department regardless of the location of the alleged abuse. The Passaro investigation was launched in 2003; the matter is currently pending trial in the Eastern District of North Carolina.

In June of 2004, then-Attorney General John Ashcroft announced the consolidation of all ongoing abuse investigations in the United States Attorney's Office for the Eastern District of Virginia (with the exception of the Passaro matter, which is venued in North Carolina). New referrals are assigned to the Eastern District of Virginia, where a special prosecution team has been formed to work on these matters. That U.S. Attorney's Office is one of our finest, staffed with experienced prosecutors who have a track record of success in complex matters involving national security, classified information, and military intelligence.

Please be assured that allegations involving detainee abuse of which we have become aware, and which fall within the responsibility of the Department of Justice, have been and will continue to be investigated thoroughly. The Department will continue to employ all appropriate investigative measures, and where evidence is developed sufficient to sustain proof beyond a reasonable doubt of applicable federal felony offenses, those cases will be prosecuted.

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As the Department continues to investigate these and any other such matters that come to our attention, we will maintain the high standards of professional integrity that we apply to all our investigations and prosecutions. If, at any point in time, we determine that it would be appropriate to appoint a special counsel, please be assured that we will immediately do so.

We hope that this information is helpful. Please do not hesitate to contact this Office if you would like additional assistance regarding this or any other matter.

Sincerely,



William E. Moschella
Assistant Attorney General

cc: The Honorable F. James Sensenbrenner, Jr.
Chairman